Case 07-24276 Doc 1 Filed 12/27/07 Entered 12/27/07 11:12:50 Desc Main Document Page 1 of 11

Official Form	1 (4/07	<u>/)                                    </u>				carriori		.go <u> </u>	<u> </u>	•				
United States Bankruptcy Co Northern District of Illinois										Voluntary Petition				
Name of Debto			Last, First,	Middle):			Name	of Joint	Debtor	(Spouse	e) (Last, First	, Middle):		
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):						All O (inclu	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):							
Last four digits		Sec./Complet	e EIN or ot	her Tax I	D No. (if mo	re than one, star	te all) Last 1	our digits	s of Soc	. Sec./C	Complete EIN	or other Tax ID	No. (if m	nore than one, state all
Street Address of Debtor (No. and Street, City, and State):  954 W. Cullerton Chicago, IL								Street Address of Joint Debtor (No. and Street, City, and State):						
ZIP Code 60608  County of Residence or of the Principal Place of Business:							ZIP Code							
County of Resid	dence or	of the Princi	pal Place of	Business	:		Coun	ty of Res	idence (	or of the	Principal Pl	ace of Business:		
Mailing Address of Debtor (if different from street address):						Maili	ng Addre	ess of Jo	int Deb	tor (if differe	nt from street ad	dress):		
					_	ZIP Code							Γ	ZIP Code
Location of Print (if different from														
Type of Debtor Nature of Business (Form of Organization) (Check one box)					Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box)									
(Check one box)  ■ Individual (includes Joint Debtors)  See Exhibit D on page 2 of this form.  □ Corporation (includes LLC and LLP)  □ Partnership □ Other (If debtor is not one of the above entities, check this box and state type of entity below.)			Sing in I Raili Stoc	kbroker modity Bro ring Bank	e) anization d States	☐ Cha☐ Cha☐ Cha☐ Cha☐ Cha☐ Cha☐ Cha☐ Cha	apter 9 apter 11 apter 12 apter 13 ots are prined in 11 curred by	marily co	of C of Natur	for	Proceed n for Rec nain Proc	ing cognition		
_		O	e (Check on	e box)				k one box			Chapter 11			101 (515)
is unable to    Filing Fee w	o be paid d applic pay fee	d in installme ation for the except in ins	court's constallments. R	ideration ule 1006( napter 7 ir	certifying to the certifying to the certifying to the certification of t	hat the debt cial Form 3A only). Must	Chec	Debtor k if: Debtor to insid k all appl A plan Accept	's aggre lers or a icable b is being ances or	small begate nor ffiliates oxes: g filed w	ncontingent I ) are less that  with this petition were solicity	s defined in 11 Uor as defined in 1 iquidated debts ( n \$2,190,000.  on. itted prepetition fr with 11 U.S.C. §	excludir	e. § 101(51D).  ag debts owed  or more
Statistical/Adn				for distri	bution to u	nsecured cro	editors.				THIS	S SPACE IS FOR C	COURT U	SE ONLY
Debtor estin		nt, after any e ds available f					ive expens	es paid,						
Estimated Num			or distribute	on to uns	ecureu erec						1			
1- 49	50- 99	100- 199	200- 999	1,000- 5,000	5,001- 10,000	10,001- 25,000	25,001- 50,000	50,001 100,00		VER 0,000				
Estimated Asset  \$0 to \$10,000	ts 	\$10,00 \$100,0		_	0,001 to nillion		000,001 to 0 million	_	More the					
Estimated Liabi	lities	\$50,00			),001 to		000,001 to		More tha					
					0 million		\$100 mi	llion	I					

Case 07-24276 Doc 1 Filed 12/27/07 Entered 12/27/07 11:12:50 Desc Main Document Page 2 of 11 FORM B1, Page 2 Official Form 1 (4/07) Name of Debtor(s): **Voluntary Petition** Perez, Manuel (This page must be completed and filed in every case) All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet) Date Filed: Case Number: Location Where Filed: - None -Date Filed: Case Number: Location Where Filed: Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet) Date Filed: Case Number: Name of Debtor: - None -District: Relationship: Judge: Exhibit B Exhibit A (To be completed if debtor is an individual whose debts are primarily consumer debts.) (To be completed if debtor is required to file periodic reports (e.g., I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, forms 10K and 10Q) with the Securities and Exchange Commission 12, or 13 of title 11, United States Code, and have explained the relief available pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b). and is requesting relief under chapter 11.) ☐ Exhibit A is attached and made a part of this petition. Signature of Attorney for Debtor(s) Melvin J. Kaplan Bennett A. Kahn, Rae Kaplan Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? Yes, and Exhibit C is attached and made a part of this petition. No. Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) ■ Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: ☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition. Information Regarding the Debtor - Venue (Check any applicable box) Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District. Statement by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes) Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) (Name of landlord that obtained judgment)

(Address of landlord)

Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and

Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.

Official Form 1 (4/07)

Document

Page 3 of 11

FORM B1, Page 3

**Voluntary Petition** 

(This page must be completed and filed in every case)

Name of Debtor(s): Perez, Manuel

Signatures

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request/relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Signature of Debtor Manuel Perez Jr.

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of Attorney

Signature of Attorney for Debtor(s)

Melvin J. Kaplan, Bennett A. Kahn, Rae Kaplan

Printed Name of Attorney for Debtor(s)

Melvin J. Kaplan & Associates P.C.

Firm Name

14 E. Jackson Blvd. **Suite 1200** 

Chicago, IL 60604

Address

Email: www.financialrelief.com (312)294-8989 Fax: (312)294-8995

Telephone Number

Date

#### Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11. United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19B is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

Address

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

# Case 07-24276 Doc 1 Filed 12/27/07 Entered 12/27/07 11:12:50 Desc Main Document Page 4 of 11

Official Form 1, Exhibit D (10/06)

### United States Bankruptcy Court Northern District of Illinois

In re	Manuel Perez, Jr.		Case No.	
		Debtor(s)	Chapter	7

# EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency*.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.*
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Must be accompanied by a motion for determination by the court.][Summarize exigent circumstances here.] \_\_\_\_

If the court is satisfied with the reasons stated in your motion, it will send you an order approving your request. You must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, your case may be dismissed.

# Case 07-24276 Doc 1 Filed 12/27/07 Entered 12/27/07 11:12:50 Desc Main Document Page 5 of 11

### Official Form 1, Exh. D (10/06) - Cont.

☐ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable
statement.] [Must be accompanied by a motion for determination by the court.]
☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or
mental deficiency so as to be incapable of realizing and making rational decisions with respect to
financial responsibilities.);
☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being
unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or
through the Internet.);
☐ Active military duty in a military combat zone.
☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.
I certify under penalty of perjury that the information provided above is true and correct.
f certify under penalty of perjury that the information provided above is true and correct.
Signature of Debtor:
Manuel Perez Jr.
Date: <u>12/26/07</u>

# UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS

## NOTICE TO INDIVIDUAL CONSUMER DEBTOR UNDER § 342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case. You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

#### 1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days before the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses.

### 2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

### Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total Fee \$299)

- 1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.
- 2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.
- 3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.
- 4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

### <u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

- 1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
- 2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.
- 3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Case 07-24276 Doc 1 Filed 12/27/07 Entered 12/27/07 11:12:50 Desc Main Document Page 7 of 11

B 201 (04/09/06)

Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11: Reorganization (\$1000 thing fee, \$35 administrative feet 10 and 1000 thing feet, \$35 administrative feet 10 and 1000 thing feet 10

Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

### 3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

Certificate of Attorney

I hereby certify that I delivered to the debtor this notice required by § 342(b) of the Bankruptcy Code. 12/26/07 Melvin J. Kaplan, Bennett A. Kahn, Rae Kaplan Printed Name of Attorney Address: 14 E. Jackson Blvd. **Suite 1200** Chicago, IL 60604 (312)294-8989 **Certificate of Debtor** I (We), the debtor(s), affirm that I (we) have received and read this notice. Manuel Perez して. Signature of Debtor Printed Name(s) of Debtor(s) Case No. (if known) Date Signature of Joint Debtor (if any)

Allstate c/o Larson Insurance Ag 5558 S. Pulaski Road Chicago, IL 60629-4486

American Express c/o NCO Financial Systems Inc. 507 Prudential Road Horsham, PA 19044

American Express 4315 S. 2700 West Salt Lake City, UT 84184

Bob Walinski, ESQ 25 E. Washington Street, Ste. 1221 Chicago, IL 60602

Charter One Bank
P.O. Box 42002
Providence, RI 02940-2002

Chase Home Finance 1820 E. Sky Harbor Circle, S. Phoenix, AZ 85034-9701

Chicago Patrolman's Credit Union 1359 W. Washington Blvd. Chicago, IL 60607

Citibank (South Dakota), N.A. c/o NCO Finacial Systems Inc. 507 Prudential Road Horsham, PA 19044

City of Chicago Dept. of Water 333 S. State, Suite L10 Chicago, IL 60604

ComEd
Attn: Bankruptcy Dept.
2100 Swift Drive
Oak Brook, IL 60523

ComEd
Attn: Bankruptcy Dept.
2100 Swift Drive
Oak Brook, IL 60523

Computer Credit, Inc. 640 W. Fourth St. P.O. Box 5238 Winston Salem, NC 27113-5238

Cook County Treasurer's Office Attn: Legal Dept. 118 N. Clark Street, Room 112 Chicago, IL 60602

Cook County Treasurer's Office Attn: Legal Dept. 118 N. Clark Street, Room 112 Chicago, IL 60602

Countrywide Home Loans P.O. Box 650225 Dallas, TX 75265-0025

Discover Card P.O. Box 30943 Salt Lake City, UT 84130

Discover Fincl Svc LLC P.O. Box 15316 Wilmington, DE 19850-5316

FIA Card Services, N.A./Mastercard c/o Wolpoff & Abramson, L.L.P. Two Irving Center, 702 King Farm Bl Rockville, MD 20850-5775

GEMB/Sam's Club P.O. Box 981400 El Paso, TX 79998

GMAC P.O. Box 660314 Dallas, TX 75266 GMAC Mortgage
Bankruptcy Department
4 Corporate Drive, Ste. 300
Shelton, CT 06484

Medreco

Nationwide Credit P.O. Box 740603 Atlanta, GA 30374

Peoples Gas ATTN: Bankruptcy Dept. 130 E. Randolph Drive, 14th Floor Chicago, IL 60601

Rush University Medical 1700 W. Van Buren, STe. 161 TOB Chicago, IL 60612

Rush University Medical Center c/o Medical Recovery Specialists, 2250 E. Devon Avenue, Ste. 352 Des Plaines, IL 60018-4519

Rush University Medical Center c/o Medical Recovery Specialists, 2250 E. Devon Avenue, Ste. 352 Des Plaines, IL 60018-4519

Rush University Medical Group 75 Remittance Drive, Ste. 1611 Chicago, IL 60675-1611

Sears/CBSD P.O. Box 6189 Sioux Falls, SD 57117

THD/CBSD P.O. Box 6003 Hagerstown, MD 21747

# Case 07-24276 Doc 1 Filed 12/27/07 Entered 12/27/07 11:12:50 Desc Main Document Page 11 of 11

Washington Mutual P.O. Box 100576 Florence, SC 29501-0576

Wells Fargo Bank P.O. Box 10335 Des Moines, IA 50306